

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, the subject matter of claim 5 has been incorporated into claim 1, as a result of which claim 5 has been cancelled.

Item 4 on page 3 of the Office Action indicates that claim 5 (and claims 8 and 9) would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The foregoing amendment to claim 1 is equivalent to rewriting claim 5 in independent form.

Accordingly, both of the provisional obviousness-type double patenting rejections, as set forth in items 2 and 3 of the Office Action, have been rendered moot, since neither of these rejections encompasses claim 5, which as indicated above has been incorporated into claim 1, the only independent claim in the application.

Merely for clarification purposes, Applicants note that the Examiner's reference to Serial No. 11/887,872 at page 3, line 1 of the Office Action is an obvious error. That application (having a title "Flow Path Conditioner System" according to PAIR) is not at all relevant to the subject matter claimed in the present application. The Examiner apparently meant to refer to Serial No. 11/884,872, which is the Kobayashi et al. '906 reference cited on the PTO-892 form attached to the Office Action.

In view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection and objection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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By:

A handwritten signature in dark ink, appearing to read "Michael R. Davis", is written over a horizontal line.

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March 24, 2009